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| APPLICATION NO.         | FILING DATE |            | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|-------------------------|-------------|------------|----------------------|-------------------------|------------------|
| 10/663,228              | 09/16/2003  |            | Waheguru Pal Singh   | LYNN/0111.B             | 2116             |
| 24945                   | 7590        | 06/13/2006 |                      | · EXAMINER              |                  |
| STREETS &               | & STEEL     | Æ          | COUNTS, GARY W       |                         |                  |
| 13831 NORT<br>SUITE 355 | HWEST       | FREEWAY    | ART UNIT             | PAPER NUMBER            |                  |
| HOUSTON,                | TX 770      | 40         | 1641                 |                         |                  |
|                         |             |            |                      | DATE MAILED: 06/13/2006 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |  | Application   | on No.  | Applicant(s)  |   |  |  |  |  |
|---|--|---|---|---|---|--|--|--|--|
|   |  |   | 28  | SINGH ET AL.  |   |  |  |  |  |
|   | Office Action Summary  | Examiner  |   | Art Unit  | *************************************** |  |  |  |  |
|   |  | Gary W. C   | ounts   | 1641  |   |  |  |  |  |
| Period fo   | The MAILING DATE of this communication Reply   | on appears on the   | cover sheet with the c  | orrespondence ad  | dress                                   |  |  |  |  |
| A SH<br>WHIC<br>- Exter<br>after<br>- If NO<br>- Failu<br>Any (   | ORTENED STATUTORY PERIOD FOR FOR HEVER IS LONGER, FROM THE MAILING IS IN THE MAILING | NG DATE OF THE<br>FR 1.136(a). In no even<br>ion.<br>period will apply and with<br>statute, cause the apply | IIS COMMUNICATION ont, however, may a reply be tim II expire SIX (6) MONTHS from to ication to become ABANDONED | I. ely filed the mailing date of this co O (35 U.S.C. § 133). |   |  |  |  |  |
| Status  |  |   |   |   |   |  |  |  |  |
| 2a)□  | Responsive to communication(s) filed on <u>09/16/03</u> .  This action is <b>FINAL</b> . 2b) This action is non-final.  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  |   |   |   |   |  |  |  |  |
| Disnositi   | on of Claims   | •   |   |   |   |  |  |  |  |
| 5)□<br>6)□<br>7)□<br>8)⊠<br><b>Applicati</b><br>9)□<br>10)□   | Claim(s) 1-60 is/are pending in the application of the above claim(s) is/are with Claim(s) is/are allowed.  Claim(s) is/are rejected.  Claim(s) is/are objected to.  Claim(s) 1-60 are subject to restriction and con Papers  The specification is objected to by the Example of the drawing(s) filed on is/are: a)  Applicant may not request that any objection to Replacement drawing sheet(s) including the control of the                            | aminer. accepted or b) o the drawing(s) b   | uirement.  objected to by the E held in abeyance. See   | 37 CFR 1.85(a).<br>ected to. See 37 CF                        |   |  |  |  |  |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  |  |   |   |   |   |  |  |  |  |
| Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received. |  |   |   |   |   |  |  |  |  |
|   |  |   |   |   |   |  |  |  |  |
|   |  |   |   |   |   |  |  |  |  |
| Attachment  | ` '  |   |   |   |   |  |  |  |  |
| 2) 🔲 Notice<br>3) 🔲 Inforn  | e of References Cited (PTO-892)<br>e of Draftsperson's Patent Drawing Review (PTO-94<br>nation Disclosure Statement(s) (PTO-1449 or PTO/S<br>No(s)/Mail Date   |   | 4) Interview Summary ( Paper No(s)/Mail Dai 5) Notice of Informal Pa 6) Other:                                  | te  | -152)                                   |  |  |  |  |

## **DETAILED ACTION**

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-56, drawn to a sensor, classified in class 422, subclass 82.01.
- II. Claims 57-60, drawn to a method for determining the presence of a target molecule, classified in class 436, subclass 518.
- 2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the product as claimed can be used in a materially different process such as a process of sample purification.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for one group is not required for other restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary W. Counts whose telephone number is (571) 2720817. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Gary Counts Examiner Art Unit 1641 May 26, 2006

LONG V. LE 06/09/06 SUPERVISORY PATENT EXAMINER

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